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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,130	09/18/2000	Graylon K. Williams	GIO-004-US	3988
26659	7590	10/01/2003	EXAMINER	
DINNIN & DUNN, P.C. 2701 CAMBRIDGE COURT, STE. 500 AUBURN HILLS, MI 48326			ART UNIT	PAPER NUMBER

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner for Patents

See the next pages as to appellants' improper Reply Brief and improper IDS.

Art Unit: 3641

1. The ostensible reply brief on appeal filed on September 02, 2003 is defective in part because three copies of the brief as required under 37 CFR 1.192(a) have not been submitted.
2. The ostensible reply brief on appeal, Paper No. 17, filed on September 02, 2003 is mainly defective as follows. In accordance with MPEP 1208.03, Paper No. 17 is **NOT** a proper reply brief within the meaning of 37 CFR 1.193(b). Note the following excerpt of section MPEP 1208.03:

Amendments, affidavits, and/or other evidence must be submitted in papers separate from the reply brief, and the entry of such papers is subject to the provisions of 37 CFR 1.116 and 37 CFR 1.195. **A paper that contains an amendment (or evidence) is not a reply brief within the meaning of 37 CFR 1.193(b).** Such a paper will not be entitled to entry simply because it is characterized as a reply brief.

[emphasis added] 

Paper No. 17 contains new evidence, in the form of new references. Such raise new issues and are not entitled to entry. No justification as required under 37 CFR 1.116 and 1.195 has been submitted. See also the last paragraph of MPEP 1208.03, re "entry should not be permitted."

3. Therefore, Paper No. 17 is not a reply brief, as characterized, and it stands non-entered. The time period for appellants to file their Reply Brief continues to run 2 months from July 02, 2003. This time period may be extended up to 5 months in accordance with 37 CFR 1.136(a).

4. Any inquiry concerning either this or an earlier communication from the Examiner should be directed to Examiner Edward A. Miller at (703) 306-4163. Examiner Miller may normally be reached Monday-Thursday, from 10 AM to 7 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor Mr. Carone can be reached at (703) 306-4198.

If there is no answer, or for any inquiry of a general nature or relating to the application status, please call the Group receptionist at (703) 308-1113.

Miller/em
September 15, 2003

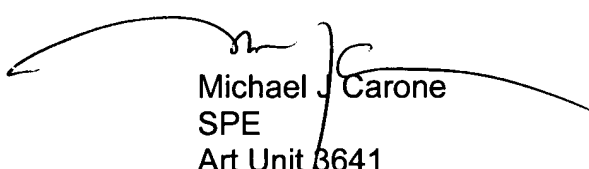

EDWARD A. MILLER
PRIMARY EXAMINER

Art Unit: 3641

The information disclosure statement filed September 8 2003 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e) and it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

It is noted that the statement filed with the IDS alleges that the statement was filed before the mailing of a final action. This is incorrect in that a Final action was mailed in September 2002 whereas the statement was submitted in September 2003.

Any inquiry concerning the denial of acceptance of the IDS should be directed to Michael J Carone at telephone number 703 306-4198.



Michael J. Carone
SPE
Art Unit 3641